In the High Court of Judicature at Madras

Dated: 02.03.2007

Coram:

The Honourable Mr.Justice P.SATHASIVAM

and

The Honourable Mr.Justice N. PAUL VASANTHAKUMAR

Writ Appeal No.2681 of 2003

V. Kanagasundaram ..Appellant

..vs..

1.The District Collector &
District Magistrate
Nagapattinam District.

2.The Special Commissioner &
Commissioner of Revenue Administration
Chepauk, Chennai 600 005. ..Respondents

Writ Appeal is filed under Clause 15 of the Letters patent against the order of His Lordship Mr. Justice K.P. Sivasubramaniam dated 25.03.2003 made in W.P.No.11011 of 2000. to issue a writ of certiorarified Mandamus calling for the records of the 2nd Respondent relating of the order in proceedings No. R.A.V.(1)/ 80862/99 CA A 176/99 DATED 06.04.2000 and quash the same and direct the respondents to grant licence to the petitioner to possession a Reolvur as applied for

For appellant : Mr. N.S. Manoharan

For respondents : Mr. P. Subramanian
Government Advocate

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JUDGMENT

(Judgment of the Court was delivered by P.SATHASIVAM,J.)

The above writ appeal is directed against the order of the learned single Judge dated 25.03.2003 made in W.P.No.11011 of 2000, in and by which the learned Judge, after finding no merit in the claim of the petitioner, dismissed the writ petition.

2. Heard the learned counsel for the appellant as well as learned Government Advocate for the respondents.

3. The petitioner/appellant is a practising advocate, assessed to income-tax. Admittedly he is possessing licence for SBBL gun. He applied for the grant of licence of revolver for his protection. The District Collector and District Magistrate, Nagapattinam in his proceedings dated 12.10.1999, after finding that the Superintendent of Police, Nagapattinam and the Revenue Divisional Officer, Myladuthurai have not accepted the reasons stated in the application, which are general in nature, rejected the request of the petitioner for the grant of licence to have a revolver. Aggrieved by the said order, the petitioner preferred an appeal before the Special Commissioner and Commissioner for Revenue Administration, Chepauk, Chennai 5. The appellate authority, after finding that the petitioner has a licence for SBBL gun issued in the year 1992 and the reasons for having revolver licence are not looking genuine, dismissed his appeal. The said order was challenged before the learned single Judge.

4. The learned single Judge, after finding that the reason that the petitioner, an advocate, is the owner of 5 acres of coconut thope is not sufficient for the grant of licence and also taking note of the fact that he is not a person involved in any public affairs or political activities or any sensitive organisation to justify the need of revolver for self-defence, dismissed the writ petition confirming the orders passed by the authorities. Questioning the same, petitioner has filed the present appeal.

5. The learned counsel for the appellant contended that the appellant, an advocate, used to go on National Highways with huge sum of money in connection with his profession and sometimes with valuables and for his personal safety and protection, he requires a revolver. On going through the orders of the authorities and the reasonings of the learned Judge as well as the grounds on which the revolver licence is sought, we are unable to accept the said contention. As rightly observed by the learned Judge, the petitioner/appellant is not a person involved in public or political activities, nor he is a member of any sensitive organisation to justify the need of a revolver for his self-defence. We are in agreement with the observations made by the

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learned Judge. Whether licence for possessing arms can be issued or not is a matter of discretion vested with the Government and it depends upon various factors including the position, capacity and problems to be faced by the individual concerned. As rightly pointed out by the authorities as well as the learned single Judge, the reasons stated by the petitioner are almost general in nature. Taking note of the fact that the petitioner has already been granted SBBL gun licence, in the absence of acceptable adequate reasons/grounds, we are of the view that the request of the appellant for the grant of revolver licence has to be rejected.

We do not find any ground for interference and on the other hand, we are in entire agreement with the conclusion arrived at by the learned single Judge. Consequently, the appeal fails and the same is dismissed. No costs.

Kh

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

To

1.The District Collector &
District Magistrate
Nagapattinam District.

2.The Special Commissioner &
Commissioner of Revenue Administration
Chepauk, Chennai 600 005.

+ ONE CC TO MR. N.S. Manoharan, Advocate sr on. 12760
+ one cc to the Government Pleader sr no. 12979

SSV(CO)
NM(12.03.07)

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